

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BENITA TURNER,

Plaintiff,

12cv0445

ELECTRONICALLY FILED

v.

KAREN SPALEY, B. SCHIEB,

Defendants.

Memorandum Order

On April 10, 2012, Pro se Plaintiff, who is proceeding *in forma pauperis* (IFP), filed this action alleging improprieties with the processing and payment of her state unemployment compensation benefits by her former employer, Asbury Heights. Plaintiff was granted leave to proceed IFP on April 6, 2012. This case was originally assigned to Chief United States Magistrate Judge Lisa Pupo Lenihan, and Judge Lenihan filed a Report and Recommendation, which was mailed to plaintiff at her address of record via certified mail on April 25, 2012. Chief Magistrate Judge Pupo Lenihan recommended that the Complaint be dismissed with prejudice under 28 U.S.C. § 1915(e)(2)(B), as both frivolous and for failure to state a claim upon which relief may be granted, because her claims do not identify any federal statutory or Constitutional right was allegedly violated, and there is no basis for subject matter jurisdiction based upon diversity of citizenship under 28 U.S.C. § 1332. Rather, the sole basis for her claim appears to be that her unemployment compensation benefits were improperly terminated and she seeks an Order from this Court reinstating them.

On April 25, 2012, Chief Magistrate Judge Pupo Lenihan issued a Report and Recommendation (Doc. No. 6), recommending that Plaintiff's claims be dismissed, with prejudice.

Id. at 6. Plaintiff was granted under May 14, 2012 to file her objections thereto. As of this date, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation (Doc. No. 6), the following Order is entered:

AND NOW, this 21st day of May 2012, IT IS HEREBY ORDERED that all of Plaintiff's claims against Defendants are **DISMISSED, with prejudice**. Plaintiff's motion "to have appointed attorney" (Doc. No. 5) is also **DENIED**, and her Motion to Have UC Benefits Release (Doc. No. 4) is further **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Pupo Lenihan (Doc. No. 6), dated April 25, 2012, is adopted as the Opinion of the Court.

SO ORDERED this 21st day of May, 2012.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

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